

Remarks

Claims 1-23 remain in the application.

Claim Rejections

Claims 1, 2, 7-11 and 14-23 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Regan (US 2004/0213232) in view of Amara et al. (US Patent No. 6,839,338). This rejection is respectfully traversed.

Regan (US 2004/0213232) is apparently cited as prior art under 35 U.S.C. § 102(e). This section recites as follows.

A person shall be entitled to a patent unless ...

(e) the invention was described in - (1) **an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent** or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for the purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language

(Emphasis added.)

However, applicants respectfully submit that the filing date of March 31, 2004 for the present application **predates** the filing date of April 27, 2004 of Regan. Therefore, applicants respectfully submit that the published Regan application is not filed before the invention by the applicants, unless the Examiner is relying upon the filing date of the provisional application 60/466,268.

If the Examiner is relying upon the filing date of the provisional application 60/466,268, then applicants respectfully submit that there has been no showing made that the disclosure of provisional application 60/466,268 properly supports the subject matter relied upon to make the rejection in compliance with 35 U.S.C. §112, first paragraph. In other words, there has been no showing that the provisional application satisfies the enablement and written description requirements for the subject matter relied upon to make the rejection.

For at least the above-discussed reasons, the subject matter relied upon in Regan has not been shown to be prior art to the present application. Therefore, applicants respectfully submit that a *prima facie* case of obviousness has not been made in this rejection and so this rejection is overcome.

Claim 3 was rejected under 35 U.S.C. § 103(a) as being unpatentable over Amara et al. (US Patent No. 6,839,338) in view of Regan (US 2004/0213232). This rejection is respectfully traversed.

For at least the above-discussed reasons, the subject matter relied upon in Regan has not been shown to be prior art to the present application. Therefore, applicants respectfully submit that a *prima facie* case of obviousness has not been made in this rejection and so this rejection is overcome.

Claims 4-6 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Regan (US 2004/0213232) in view of Amara et al. (US Patent No. 6,839,338) in view of Kojima et al. This rejection is respectfully traversed.

For at least the above-discussed reasons, the subject matter relied upon in Regan has not been shown to be prior art to the present application. Therefore, applicants respectfully submit that a *prima facie* case of obviousness has not been made in this rejection and so this rejection is overcome.

Claim 12 was rejected under 35 U.S.C. § 103(a) as being unpatentable over Regan (US 2004/0213232) in view of Amara et al. (US Patent No. 6,839,338) in view of Classon et al. This rejection is respectfully traversed.

For at least the above-discussed reasons, the subject matter relied upon in Regan has not been shown to be prior art to the present application. Therefore, applicants respectfully submit that a *prima facie* case of obviousness has not been made in this rejection and so this rejection is overcome.

Claim 13 was rejected under 35 U.S.C. § 103(a) as being unpatentable over Regan (US 2004/0213232) in view of Amara et al. (US Patent No. 6,839,338) in view of Engwer et al. This rejection is respectfully traversed.

For at least the above-discussed reasons, the subject matter relied upon in Regan has not been shown to be prior art to the present application. Therefore, applicants respectfully submit that a *prima facie* case of obviousness has not been made in this rejection and so this rejection is overcome.

Further regarding claim 10, applicants further submit that the citations to the abstract and column 8 lines 66 – column 9, line 15 of Amara et al do not disclose the recited limitation of “configuring the entry device **in a best effort mirroring mode to reduce head-of-line blocking.**” (Emphasis added.) Applicants respectfully submit that no such best effort mirroring mode to reduce head-of-line blocking is taught or suggested by the abstract and column 8 lines 66 – column 9, line 15 of Amara et al. Therefore, applicants respectfully submit that a *prima facie* case of obviousness has not been made in this rejection and so this rejection is overcome. If this rejection is maintained by the Examiner, applicants respectfully request an explanation of how the citation to Amara et al. discloses a best effort mirroring mode to reduce head-of-line blocking.

Further regarding claim 12, applicants further submit that using **truncation** to satisfy buffer requirements from Classon et al. would render the system of Amara et al. **inoperable for its intended purpose.** This because the intended purpose of Amara et al. is for entire packets to be communicated from

a mobile node to a home network, and truncating packets per Classon et al. would result in incomplete packets with missing data in the communications of Amara et al.

Therefore, applicants respectfully submit that a *prima facie* case of obviousness has not been made in this rejection and so this rejection is overcome. See MPEP § 2143.01, section VI, which states, "If the proposed modification or combination of the prior art would change the principle of operation of the prior art invention being modified, then the teachings of the references are not sufficient to render the claims *prima facie* obvious. *In re Ratti*, 270 F.2d 810, 123 USPQ 349 (CCPA 1959)."

Conclusion

For the above-discussed reasons, applicant believes that the pending claims overcome the rejections of the latest office action and are in form for allowance. Favorable action is respectfully requested.

If for any reason an insufficient fee has been paid, the Commissioner is hereby authorized to charge the insufficiency to Deposit Account No. 08-2025 (Hewlett Packard).

Respectfully Submitted,

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